

W:\Virus Research Inst\732250-190\DEC Finberg

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Knipe, et al.  
Serial No. : 08/278,601  
Filed : July 21, 1994  
For : Herpesvirus Replication Defective Mutants  
Group : 1645  
Examiner : Caputa, A.

Assistant Commissioner of Patents  
Washington, D.C. 20231

**DECLARATION**

I, Robert Finberg, hereby declare as follows:

That the above-captioned application, in which I, David Knipe and George Siber are named as co-inventors, is a continuation-in-part of U.S. application serial no. 08/179,106, filed January 10, 1994, now abandoned, in which I, David Knipe and George Siber are named as co-inventors, which is a continuation-in-part of U.S. application serial no. 07/922,912, filed July 31, 1992, now abandoned, in which David Knipe is named as sole inventor.

That the invention claimed in U.S. application serial no. 07/922,912, filed July 31, 1992, is:

"A vaccine suspended in a pharmaceutically acceptable carrier comprising a mutated herpesvirus capable of infecting a mammalian cell and of eliciting a protective immune response in a mammal vaccinated with said herpesvirus, said herpesvirus being characterized by a mutation in at least one gene encoding a protein essential for replication of said herpesvirus, said mutation rendering said virus replication defective."

That David Knipe is the sole inventor of the claimed invention directed to "a vaccine comprising a mutated herpesvirus, the herpesvirus having a mutation in one or more genes encoding a protein essential for viral replication to render the herpesvirus replication defective

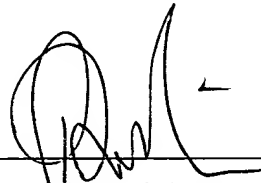
and which is unable to produce infectious new virus particles in a host cell that is not a recombinant complementing host cell."

That I and George Siber were named as co-inventors in U.S. application serial no. 08/179,106, filed January 10, 1994, as a result of our inventive contribution with respect to a composition and method for treating an immunomodulatory disease by use of a mutated herpesvirus that has an ability to effect an antibody subclass shift.

That I hereby declare that all statements made herein are true, and all statements made on information and belief are believed to be true, and further that all statements were made with the knowledge that any willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issued thereon.

Date: \_\_\_\_\_

9/4/97



Robert Finberg